

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GARY DALE BARGER,
Petitioner,

v.

DUFFY,
Respondent.

Case No. [15-cv-01625-WHO](#) (PR)


ORDER OF DISMISSAL

Dkt. No. 6

Petitioner Gary Dale Barger has failed to comply with the Court's order to (1) file a complete application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$5.00. His IFP application lacks two necessary documents: a Certificate of Funds completed and signed by an authorized prison officer, and a prison trust account statement showing transactions for the last six months. He also has failed to file a petition using this Court's form. Accordingly, this federal habeas action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, Barger may move to reopen the action. Any such motion **must** contain a complete IFP application, which includes the two documents mentioned above, **or** full payment for the \$5.00 filing fee. It must also contain a properly completed petition on this Court's form. Barger's IFP application (Docket No. 6) is DENIED as insufficient. The Clerk shall terminate Docket No. 6, enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: May 27, 2015


WILLIAM H. ORRICK
United States District Judge